

REMARKS

Restriction Requirement

In the subject action, the Examiner asserted that

Claim Group I, including claims 1-4, 6-25 and 43-52,

Claim Group II, including claims 26-29, 30-37, and 53-60, and

Claim Group III, including claims 38-42,

are directed towards separate and distinction inventions.

Applicants, in the phone call on 1/27/04, provisionally elected Claim Group I. Applicants hereby confirm the provisional election, but traverse the Examiner's restriction. As the Examiner noted, Group I is directed towards the overall method, Group II is directed towards a client computing device employed to practice the method claimed by Group I, and Group III is directed towards some of the processing performed by the billing service server, when practicing the method of Group I. Accordingly, the claim groups are clearly directed towards the same invention, as a whole or in part.

Accordingly, withdrawal of the restriction requirement is respectfully requested.

101 Rejections

In the subject action, the Examiner rejected "some" claims as being directed towards "non-statutory subject matter". However, Applicants are unable to ascertain against which claims the rejections are being directed. In the section title of paragraph 1 on page 6, the Examiner appears to be rejecting on claims 1, 2, 13 and 28, however, claim 28 is supposed to be restricted/non-elected, and not being

examined. On page 9, the Examiner appears to be rejecting more claims, “1-4, 6-?”, but without completing specifying the claims, the rejections are directed.

The Examiner then went on further stated that “claims 1-4, 6-?? have no connection to the technological arts. None of the steps indicate any connection to a computer or technology. The step of communicating a plurality of brand promotions over a network could be performed manually by a person physically delivering the brand promotion to a “network” of chain stores within an area. The term “network” could also include sending the brand promotion through the US Postal network, using a courier service such as UPS to deliver the brand promotions ...”

There are no recitations of “network”, nor “brand promotion” in any of the claims, elected or otherwise. Further, section 101 requires a claimed invention must have “utility”. There is no requirement that it must be related to a computer or technology. There are numerous issued patents, e.g. a hot beverage insulation sleeve, unrelated to computer nor technology. Even if there are such requirements, independent claims 1 and 43 clearly recite the interaction with a web site, independent claim 26 clearly recite an electronic device, and so forth.

Thus, Applicants are completely baffled by the Examiner’s comments, and are unable to respond. Applicants urge the Examiner to withdraw the rejections, as the claims are clearly directed towards “useful” things, and therefore, are directed towards statutory subject matter.

Rejections under 35 sec 112, second paragraph

The Examiner rejected claims 1-4, 6-25 and 43-52 under 35 USC 112, second paragraph, as being indefinite. Using claim 1 as an example, the Examiner reasoned that the “registering” limitation is not related to the “...providing” limitation.

Applicants disagree. However, the issue has been rendered moot by the amendments entered.

The Examiner further alleged “a billing service providing ...” is an improper recitation of an apparatus element in a method claim. Applicants disagree. The language did not recite “a billing service to provide ...”. Had that been the language, Applicants would agree that an apparatus element was recited. Instead, the language recited “a billing service providing ...” which is grammatically identical to the recitation of “providing by a billing service”, a proper recitation of a method operation.

With respect to the rejections of claims 11 and 14, the claims have been amended, and the antecedent issues have been addressed.

Accordingly, withdrawal of the rejections is requested.

Rejections of claims 1-21 and 25

The Examiner maintained the rejections against claims 1-21 and 25 under 35 102(e) as being fully anticipated by Demoff. In response, Applicants again traverse the Examiner’s rejections with the same reasons provided in the last response, to which the Examiner had not responded. However, Applicants have taken this opportunity to make various modifications to the claim language of various claims (and cancelled claims 33-34 and 56-57) to further improve coverage of the claims, to which Applicants are entitled. The amendments are not entered to overcome the cited references. The amendments are all formalities in nature. No new matters have been introduced.

Turning now to Applicants’ reason of allowance, claim 1 clearly requires the billing service to provide

a) a first billing data for use exclusively by the user to conduct transactions with said first web site, and

b) a second billing data, separate and distinct from the first billing data, for use exclusively by the user to conduct transactions with said second web site.

In other words, separate and distinct billing data are used for transactions with the first and the second web site respectively. For each web site, the designated billing data is used exclusively for multiple transactions with the site.

In contrast, Demoff teaches the issuance of a randomly generated credit transaction number, concurrent with a particular transaction, that is valid only for the requested transaction. See e.g. the abstract.

Accordingly, Demoff does not teaches the employment first “billing data” for conducting multiple transactions with a first website, and second “billing data” (different from first “billing data”) for conducting multiple transactions with a second website.

Therefore, claim 1 is patentable over Demoff.

Claims 2-4, 6-21 and 25 depend on claim 1, incorporating its limitations. Therefore, for at least the same reason, claims 2-4, 6-21 and 25 are patentable over Demoff.

Rejections of claims 43-52

Claims 43-52 are said to have been examined as corresponding method claims 1-25, and rejected accordingly. Thus, for at least the same reasons set forth above, claims 43-52 are patentable over the cited references.

Rejections of claims 22-24

Claims 22-24 are rejected under sec 103(a) as being obvious in view of Demoff. Claims 22-24 are dependent on claim 1, incorporating its limitations. Thus, for at least the same reasons, claims 22-24 are patentable over Demoff.

Claims 26-29, 30-37 and 53-60

Claims 33-34 and 56-57 have been cancelled, rendering their restriction requirement moot.

For reasons stated earlier, claims 26-29, 30-32, 35-37, 53-55 and 58-60 are directed towards the same invention in whole or in part. Accordingly, examination of these claims is requested. On examination, the examiner will find these claims in condition of allowance, for at least the reason discussed earlier.

Claims 38-42

For reasons stated earlier, claims 38-42 are directed towards the same invention in whole or in part. Accordingly, examination of these claims is requested. On examination, the examiner will find these claims in condition of allowance, for at least the reasons discussed earlier.

Conclusion

In view of the foregoing, Applicant respectfully submits that claims 1-4 and 6-32, 35-55, and 58-60 are in condition for allowance. Early issuance of the Notice of Allowance is respectfully requested.

Please charge any shortages and credit any overages to Deposit Account
No. 500393.

Respectfully submitted,
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